

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TOTAL WEALTH MANAGEMENT,
INC., *et al.*,

Defendants.

Case No. 15-cv-00226-BAS-MSB

ORDER:

- (1) APPROVING FINAL REPORT
AND ACCOUNTING;**
- (2) AUTHORIZING PAYMENT OF
FINAL FEE APPLICATIONS OF
RECEIVER AND
PROFESSIONALS;**
- (3) AUTHORIZING RECEIVER TO
COMMENCE WIND-UP TASKS;
AND**
- (4) STAYING ACTION AND
RECEIVERSHIP, AND
DISCHARGING AND
RELEASING RECEIVER**

[ECF No. 259]

Before the Court is Thomas A. Seaman's ("Receiver") Motion for an Order Approving the Final Report and Accounting, Authorizing Payment of Final Fee Applications of Receiver and Professionals, and Staying the Receivership Case and Discharging and Releasing the Receiver ("Motion"). (ECF No. 259.) Accompanying the Motion is the Receiver's Final Report and Accounting ("Final Report") and the Final Applications for Payment of Fees and Reimbursement of Expenses of the Receiver,

1 Receiver's counsel Allen Matkins, and Receiver's tax accountants Crowe LLP
 2 (collectively, "Final Fee Applications"). (ECF Nos. 259-1, 259-2, 259-3, 259-4.) Plaintiff
 3 Securities and Exchange Commission ("SEC") does not oppose the Motion. (ECF No.
 4 260.)

5 The Court, having considered the above-referenced motion, applications, and other
 6 supporting materials, **GRANTS** the Motion and **HEREBY ORDERS** the following:

- 7 (1) The Final Report is **APPROVED** in its entirety;
- 8 (2) The Receiver is **AUTHORIZED** to pay the fees and expenses requested in
 the Final Fee Applications as follows¹:
 - 10 (a) the holdback amount of \$50,115.89 plus \$41,491.50 incurred from
 11 August 1, 2019 through December 21, 2019, for a total of **\$91,607.39**, to
 12 Receiver Thomas A. Seaman;
 - 13 (b) the holdback amount of \$283,719.02 plus \$135,000.00 for fees and
 14 expenses incurred from August 1, 2018 to termination of the instant
 15 Receivership, for a total of **\$418,719.02**, to Allen Matkins Leck Gamble
 16 Mallory & Natsis LLP;
 - 17 (c) \$37,991.03 in fees and expenses incurred from December 1, 2017
 18 through July 1, 2019, plus an additional amount for future work to be
 19 performed through termination of the instant Receivership, for a total of
 20 **\$50,000.00** to Crowe LLP for the period from December 1, 2017 to
 21 termination of the instant Receivership;
- 22 (3) The Receiver is **AUTHORIZED** to commence termination of the instant
 Receivership by performing the following wind-up tasks:
 - 24 (a) Submit all necessary tax returns for each calendar year of the pendency
 25 of the Receivership;

27 ¹ For this purpose, the Court **GRANTS** the Receiver's request to increase the Reserve amount to
 28 \$226,491.50 to allow the additional funds recovered by the Receiver to be used to compensate the Receiver
 and his Professionals.

- 1 (b) Abandon any documents containing no private information, and destroy
2 any documents containing private information, within 90 days of this
3 Order—except those necessary to the Final Distribution;
- 4 (c) Remit the remaining balance of **\$2,163.09** in Receivership assets, after
5 payment of the Final Fee Applications and \$500.00 for document
6 destruction, to the SEC for payment to the United States Treasury;
- 7 (4) This action and Receivership are **STAYED**, and jurisdiction retained by this
8 Court, for the limited purpose of permitting the Receiver to make the Final
9 Distribution of proceeds recovered from the PPCN Settlement, if any;
- 10 (5) The Receiver is **DISCHARGED** and **RELEASED**, and the Receivership will
11 be terminated upon the Receiver's submission of the Closing Declaration and
12 supporting order to the Court reflecting the completion of all closing tasks,
13 and the final disposition of the PPCN Settlement and/or judgment including
14 the Final Distribution, if any.

15 **IT IS SO ORDERED.**

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17 **DATED: April 21, 2020**


18 **Hon. Cynthia Bashant**
19 **United States District Judge**

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